

### **REMARKS**

Claims 1-14 were examined and reported in the Office Action. Claims 1-14 are rejected. Claims 1 and 12 are cancelled. Claims 1 and 8 are amended. Claims 1-4, 6-11 and 13-14 remain.

Applicant requests reconsideration of the application in view of the following remarks.

#### **I. 35 U.S.C. §103**

A. It is asserted in the Office Action that claims 1-2, 5-9 and 12-14 are rejected under 35 U.S.C. §103(a) as being unpatentable over U. S. Patent No. 6,061,667 issued to Wooten ("Wooten"). Applicant respectfully traverses the aforementioned rejection for the following reasons.

According to MPEP §2142

[t]o establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure." (In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)). Further, according to MPEP §2143.03, "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974))." *"All words in a claim must be considered in judging the patentability of that claim against the prior art."* (In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970), emphasis added.)

Applicant's amended claims 1 and 8 contain the limitations of

wherein the plurality of queue heads are directly coupled to the frame list during initialization before any split-isochronous transaction descriptors where split-isochronous transaction descriptors are supported.

Applicant's claimed invention directly couples the queue heads during initialization before split-isochronous transaction descriptors. This prevents the queue heads from being subject to period promotion.

Wooten discloses a host controller driver with data structures that are processed as linked lists for scheduling transfers. Wooten's invention does not concern period promotion or the avoidance of such. Wooten is concerned with minimizing memory access and size requirements for servicing devices to prevent varying overhead and size from frame to frame. Wooten does not teach, disclose or suggest "wherein the plurality of queue heads are directly coupled to the frame list during initialization before any split-isochronous transaction descriptors where split-isochronous transaction descriptors are supported."

Since Wooten does not teach, disclose or suggest all the limitations of Applicant's amended claims 1 and 8, as listed above, Applicant's amended claims 1 and 8 are not obvious over Wooten in view of no other prior art since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claims that directly or indirectly depend from amended claims 1 and 8, namely claims 2 and 6-7, and 9 and 13, respectively, would also not be obvious over Wooten in view of no other prior art for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejections for claims 1-3, 7-11 and 17-21 are respectfully requested.

**B.** It is asserted in the Office Action that claims 3-4 and 10-11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Wooten, in view of U. S. Patent 6,067,591 issued to Howard et al ("Howard"). Applicant respectfully traverses the aforementioned rejection for the following reasons.

Applicant's claims 2-3 and 7 either directly or indirectly depend from amended claim 1. Applicant's claims 10-11 either directly or indirectly depend from amended claim 8. Applicant has addressed amended claims 1 and 8 regarding Wooten above in section I(A).

Howard discloses a device that avoids starting held-off transactions, which cannot be completed without violating frame integrity and are accordingly aborted. Howard, however, does not teach, disclose or suggest "wherein the plurality of queue heads are directly coupled to the frame list during initialization before any split-isochronous transaction descriptors where split-isochronous transaction descriptors are supported."

Since neither Wooten, Howard, nor the combination of the two teach, disclose or suggest all the limitations of Applicant's amended claims 1 and 8, as listed above, Applicant's amended claims 1 and 8 are not obvious over Wooten in view of Howard since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claims that directly or indirectly depend from amended claims 1 and 8, namely claims 2-3 and 7, and 9 and 10-11, respectively, would also not be obvious over Wooten in view of Howard for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejections for claims 3-4 and 10-11 are respectfully requested.

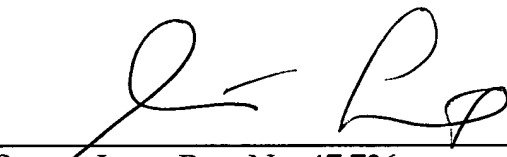
**CONCLUSION**

In view of the foregoing, it is believed that all claims now pending, namely 1-4, 6-11 and 13-14, patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

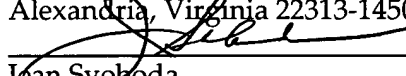
Dated: September 29, 2005

By:   
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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on September 29, 2005.

  
Jean Svoboda